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11 And OAKLAND POLICE DEPARTMENT

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIGUEL ORTEGA, BENJAMIN ORTEGA, A
Minor, By and through his Guardian Ad
Litem, ANA ROSA ORTEGA,

Plaintiffs,

v.

CITY OF OAKLAND, OAKLAND POLICE
DEPARTMENT, WAYNE TUCKER, In His
Capacity as the Police Chief of the City of
Oakland, RAMON J. ALCANTAR,
Individually and in his capacity as a Police
Officer for the City of Oakland, DOES 1
THROUGH 200,

Defendants.

Case No. C07-02659 JCS

**DEFENDANT CITY OF OAKLAND AND
OAKLAND POLICE DEPARTMENT'S
NOTICE OF WITHDRAWAL OF MOTION
TO DISMISS FOR FAILURE TO STATE
A CLAIM PURSUANT TO FRCP 12(b)(6)**

The Honorable Joseph C. Spero

Please take notice that defendants CITY OF OAKLAND and OAKLAND POLICE
DEPARTMENT hereby withdraw their Motion to Dismiss Pursuant to FRCP 12(b)(6),
scheduled with this court on November 16, 2007.

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2 DATED: September 12, 2007
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4 JOHN A. RUSSO, City Attorney
5 RANDOLPH W. HALL, Assistant City Attorney
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By: / S /
Attorneys for Defendants
CITY OF OAKLAND and OAKLAND POLICE
DEPARTMENT